



February 2, 2005

ELECTRONIC EX PARTE FILING

Hon. Kathleen Q. Abernathy
Commissioner
Federal Communications Commission
445 12th Street, S.W.
Room 8B115
Washington, D.C. 20554

Re: Wireless Termination Tariffs, CC Docket No. 01-92

Dear Commissioner Abernathy:

I write to urge the Commission to act at its February meeting on a petition that was filed two and a half years ago by T-Mobile USA, Inc. ("T-Mobile") and two other independent wireless carriers challenging certain unlawful local exchange carrier ("LEC") state tariffs. The Commission's failure to act on this petition has harmed consumers and impeded wireless carriers' ability to serve rural markets. Prompt resolution of this longstanding petition is a matter that is of the highest priority for T-Mobile and its customers.

These unilateral and discriminatory LEC tariffs charge wireless carriers grossly excessive rates to terminate local exchange traffic, raising wireless customers' costs and forcing wireless carriers to subsidize their competitors. Although these tariffs usurp the reciprocal interconnection arrangements envisioned in the 1996 Telecommunications Act, the Commission's inaction to date has allowed them to proliferate in more than 20 states, particularly in rural LEC service areas. Formal state commission proceedings addressing these tariffs are underway in some 13 states. A few state commissions have upheld the tariffs, underscoring the need for federal uniformity to end the current instability and uncertainty and to eliminate the harmful effects of disparate state rulings.

The issues presented by the petition are not novel. The federal courts and the Commission have held unanimously that these types of mandatory "default" termination tariffs are inconsistent with federal law. T-Mobile is not aware of any filing by any party in this proceeding that raises serious doubts as to the anticompetitive and illegal nature of these tariffs. I recognize that the policy issues presented in the Intercarrier



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Compensation rulemaking are complex and will take time to resolve, but the discrete issues presented by the petition apply only settled law and raise no new policy issues requiring further Commission review. I urge the Commission to immediately uphold the law with a decision that fairly and resolutely ensures that rural consumers benefit from wireless competition and choice.

Yours truly,

/s/ Robert Dotson

Robert Dotson
President and Chief Executive Officer
T-Mobile USA, Inc.

cc: Matthew Brill
Jennifer Manner

dc-405036